THE HONBLE SRI JUSTICE GODA RAGHURAM

W.P.No.18390 of 2006

Date 04.09.2006

Between:
M.Narasimha.

..... PETITIONER

AND

Govt. of A.P. rep. by Secretary Home Department, Secretariat Hyderabad & others.

.....RESPONDENTS

THE HONBLE SRI JUSTICE GODA RAGHURAM

W.P.No.18390 of 2006

ORAL ORDER:

Petitioner submitted a complaint to the third respondent, which reads as under:

> "With reference to the above we submit to state that we are the absolute owners of land admeasuring 4000 Sq. meters in Sy.Nos.30, 31, 33, 39, 41 and situated at Yousufguda village, Hyderabad, popularly known as Chapala bavi, now named as Bhavanipuram of Madhuranagar, Hyderabad. The said extents of the land earmarked under sketch of proceedings of E1, 8925 to 8298/76, dated 31-05-2005. Which are in contemplation under the proceedings No.C/2602/1995, dated
> 07-09-2001 of M.R.O. Khairathabad. The same has upholding by Hon'ble High court, in respects to our ownership to title. The same is in our favour under the orders of the Hon'ble Authorities and M.R.O.
>
> While to the matter stood thus, certain local highly influenced people are trying to grabbing the same by huge constructions. Hence, this complaint against unknown illegal persons for aid of protection to the leg and limb of the complaint along with the land."

The complaint aforementioned does not constitute information as to the commission of any cognizable offence by a person and hence no case is made out for action against the respondents for failing to perform statutory obligations under Section 156 of the Code of Criminal Procedure, 1973 and in any event if the petitioner has any grievance that the complaint is not being received, the petitioner has a statutory remedy by way of filing a private complaint under Section 190 of the Code of Criminal Procedure in view of the judgment of the Apex Court in **Hari Singh v. State of U.P.**[1] and no writ petition lies

in respect of such grievance.

As regards the petitioner's grievance that his property of 4000 sq. mts. in Sy.Nos.30, 31, 33, 39 and 41 at Yousufguda village, Hyderabad requires to be safeguarded from land grabbers, no such mandamus ought to be issued. Though, protection normatively of the rights of property of individuals is also a sovereign function of the State, issuing mandamus for protection of a particular property would result in deprivation or diversion of the scarce police resources of the State to safeguard select properties while serious offences against persons and life remain uninvestigated and unprotected, would lead to irrational exercise of governance functions.

For the aforesaid reasons, the writ petition is dismissed at the stage of admission. No order as to costs.

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04-09-2006

usd

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[1] 2006(5) Supreme 513